

HCBS Final Rule Compliance: The Light at the End of the Trail

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Conflict-Free Case Management

Conflict-Free Case Management

Any structure developed must adhere to the following principle*:

“Providers of HCBS for the individual, or those who have an interest in or are employed by a provider of HCBS for the individual *must not* provide case management or develop the person-centered service plan[...]”

*42 CFR 441.301(c)(1)(vi)

Conflict-Free Case Management

- Individual Choice Model
 - Providers can still provide case management and direct services
 - Beneficiaries must choose a different provider for case management and a different provider for their services
 - Providers will have 3 years to transition current beneficiaries receiving both from one entity to new providers

No dates have been selected for when implementation will begin

Waiver	Number of Participants Effected
Community Supports	1704
HASCI	26
ID/RD	3886
Total Beneficiaries	5616

^[1] Numbers of beneficiaries receiving case management and HCB services from the same provider; received from SCDDSN on July 19, 2016.

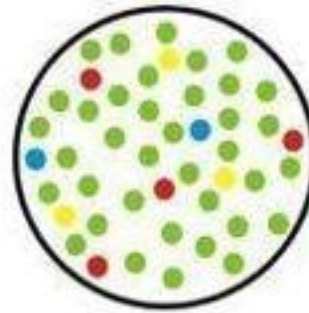


Conflict-Free Case Management

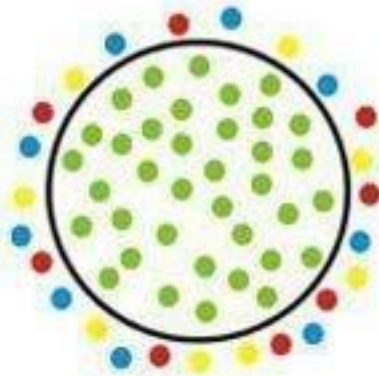
There is nothing stopping a DSN Board from transitioning to Conflict-Free Case Management today.

Home and Community-Based Settings Final Rule

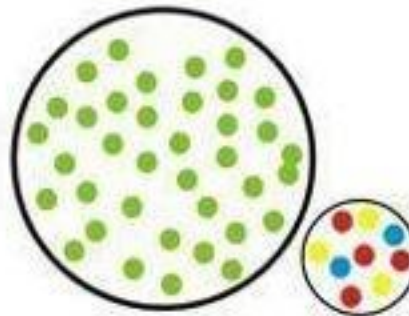
The Light at the End of the Trail



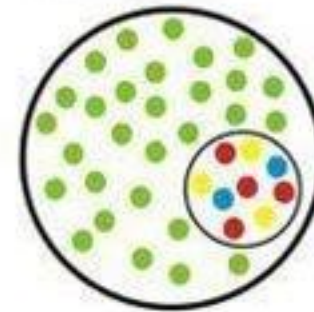
Inclusion



Exclusion



Segregation



Integration

Source: Think Inclusive

42 CFR 441.301(c)(v)

Settings that are **Not** Home and Community-Based

- i. A nursing facility;
- ii. An institution for mental diseases (IMD);
- iii. An intermediate care facility for individuals with intellectual disabilities (ICF/IID)
- iv. A hospital; or
- v. Any other locations that have qualities of an institutional setting as determined by the secretary.

Qualities of Institutions

- Any other locations that have qualities of an institutional setting as determined by the secretary.
 - Any setting that is located in a building that provides inpatient institutional treatment
 - In a building on the grounds of, or immediately adjacent to, a public institution
 - **Any other setting that has the effect of isolating individuals from the broader community**

The question is not how can the system promote community integration; the question is *how is the system keeping someone from being integrated in the community?*

Where are the barriers?

- The setting is integrated in and supports full access to the greater community
 - Includes opportunities to seek employment and work in competitive integrated settings
 - Engage in community life
 - Control personal resources
 - Receive services in the community
- The setting is selected by the individual from options which include non-disability specific settings

Where are the barriers?

- Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
- Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices
- Facilitates individual choice regarding services and supports, and who provides them

The Light at the End of the Trail

The HCBS final rule is an outcome oriented rule; it is focused on the individual's experience and choice.

Comments or Questions?

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SCDHHS HCBS Website:

<https://msp.scdhhs.gov/hcbs/>